

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

THOMAS J. COZART,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:05-CV-1200-MHT
)	[WO]
)	
LEE COUNTY DETENTION FACILITY, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On December 16, 2005, Thomas J. Cozart ["Cozart"], an inmate confined in the Lee County Detention Facility, filed a 42 U.S.C. § 1983 action. In light of the specious and conclusory nature of the allegations contained in this pleading, the court entered an order striking the deficient complaint and requiring that Cozart replead his claims in a complaint which complied with the requirements of Rule 8, *Federal Rules of Civil Procedure*. See *Order of January 9, 2006 - Court Doc. No. 3*. The time allowed Cozart for filing a complaint in compliance with the aforementioned order expired on January 23, 2006. *Id.* at 2. As of the present date, Cozart has failed to file the requisite complaint. The court therefore concludes that this case should be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to comply with the orders of this court and his failure to properly prosecute this action. It is further

ORDERED that on or before February 13, 2006 the parties may file objections to the

Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 31st day of January, 2006.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE